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C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 000546

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TAGS: [PGOV](#) [PHUM](#) [KPKO](#) [CG](#)

SUBJECT: PARLIAMENTARY COMMISSION BLAMES BOTH SIDES FOR
BAS-CONGO VIOLENCE

REF: A. KINSHASA 291

[1](#)B. KINSHASA 414

[1](#)C. KINSHASA 350

Classified By: PolOff CBrown, reasons 1.4 b/d.

[1](#)1. (C) Summary: A parliamentary commission of inquiry into the January 31-February 1 violence in Bas-Congo submitted its report to the National Assembly May 18. Its findings lay relatively equal blame both on the separatist group Bundu dia Kongo (BDK) and on Congolese security forces. BDK and its spiritual leader Ne Muanda Nsemi are accused of operating illegally, disturbing public order, and engaging in violence against security forces. Congolese police and army troops are blamed for violating orders not to use live rounds against demonstrators, though the commission did not say they used excessive force. The report will likely please few as it fails to condemn strongly either side. End summary.

[1](#)2. (C) A 15-member National Assembly commission of inquiry into the January 31-February 1 clashes between BDK and security forces in western Bas-Congo province (ref A) delivered its report to the Assembly plenary May 18. Deputies reviewed the findings in a closed session the same day. Post has obtained a copy of the 65-page report, not yet made public, which assigns blame to BDK members, the group's leader, and police and army forces who participated in the events. The report sheds little new light on the events themselves, which have been chronicled by both a MONUC investigation (ref B) and Post's own reporting (ref A). The commission reported a death toll of 104, including 91 civilians and 10 security forces, plus a total of 89 injured. (Note: The government has officially stated the number killed was 87, while MONUC's report stated there were 103. End note.)

[1](#)3. (C) The commission attempted to refute some of the strongest allegations made against military troops who intervened against BDK demonstrators in the port city of Muanda February 1. BDK supporters charged that troops sacked their main church, firing rocket-propelled grenades into their compound, and later burning down the church itself, as well as burning alive several BDK members. Critics of the military also alleged the army arrested eight BDK members and later killed them, burying their bodies in a mass grave on their base. The commission report stated that while troops did burn down the BDK church, it could not definitively conclude the bodies had been deliberately burned. An investigation into the story of the mass grave discovered that local Red Cross officials had buried the bodies together as they were never claimed by relatives. Commission officials found no evidence the mass burial was an attempt to cover up the deaths.

¶4. (C) BDK and Nsemi are blamed in the report for functioning as a political organization in violation of the group's official status. The report states BDK registered in 2003 as a non-profit organization, and under Congolese law, such groups cannot engage in political activity, which BDK clearly does. In addition, Nsemi is charged with calling for public demonstrations without giving prior notice to government authorities, as prescribed by law. BDK adherents received much of the commission's blame for participating in the demonstrations, erecting barriers to impede traffic and to disturb public order, committing acts of pillage and rape, and for the use of deadly violence against security forces.

¶5. (C) The commission also held police and army forces responsible for their actions. Police authorities are blamed for having weak control over their officers, and for poorly executing a search warrant on a suspected BDK weapons cache in Matadi the night of January 31. The report notes that security officials, including members of the national intelligence service, are to blame for leaking word of the pending search to BDK members being targeted. (Note: It was this botched search that sparked the initial violence in Matadi and eventually the rest of the province. End note.) Security forces are accused of violating orders not to fire live rounds on demonstrators, which killed dozens of civilians. At no point in the commission's report, however, are security forces said to have used "excessive" force against the BDK.

¶6. (C) The commission was led by Egide-Michel Ngokoso Apa, the Deputy Rapporteur of the National Assembly and a member of Nzanga Mobutu's UDEMO party, which is aligned with the pro-Kabila parliamentary majority coalition. The commission's

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rapporteur, Franck Diongo of the Order of Republican Democrats opposition group, resigned his post (the number-two position on the commission) in early May in protest of the report's conclusions. He was replaced by another commission member, Bule Gbangolo Basabe, from Bemba's MLC party.

¶7. (C) Comment: This report represents the first effort of the elected National Assembly to tackle an investigative oversight effort regarding a controversial subject. The commission's work attempts to be even-handed in assigning blame for the Bas-Congo incidents, but its results will likely please few. The report does not explicitly condemn the police or military for using excessive force, which will no doubt suggest to government critics the commission did not want to cross the security services. Likewise, despite its findings against the BDK, the report does not recommend any punishment for fellow deputy Ne Muanda Nsemi -- who enjoys parliamentary immunity from prosecution in any case -- nor for BDK followers who clearly have a violent separatist political agenda. The inquiry demonstrates, however, that both the BDK and security forces bear responsibility for allowing a tense political situation to spiral out of control, costing more than 100 lives. End comment.
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